

Draft Changes to Civil Local Rules 7-3, 40-1 and 73-1

Civil Local Rule 7-13 (Notice Regarding Submitted Matters)

“Whenever any motion or other matter has been under submission for more than 120 days, a party, individually or jointly with another party, may file with the Court ~~or may ask the Northern District of California Ombudsperson to provide such notice to the Court~~ a notice that the matter remains under submission. If judicial action is not taken, subsequent notices may be filed at the expiration of each 120-day period thereafter until a ruling is made.”

Civil Local Rule 40-1 (Continuance of Trial Date; Sanctions for Failure to Proceed)

“Failure of a party to proceed with the trial on the scheduled trial date may result in the ~~assessment of jury costs and the~~ imposition of appropriate sanctions, including dismissal or entry of default. Jury costs may ~~also be assessed as sanctions against a party or the party's attorney for failure to proceed with a scheduled trial or~~ for failure to provide the Court with timely ~~written~~ notice of a settlement.”

Civil Local Rule 73-1 (Time for Consent to Magistrate Judge)

“(a) Cases Initially Assigned to a Magistrate Judge. In cases that are initially assigned to a magistrate judge, unless the ~~Clerk of the Court or the~~ magistrate judge has set a different deadline in an individual case:

(1) Parties must either file written consent to the jurisdiction of the magistrate judge, or request reassignment to a district judge, by the deadline for filing the initial case management conference statement.

(2) If a motion that cannot be heard by the magistrate judge without the consent of the parties, pursuant to 28 U.S.C. § 636(c), is filed prior to the initial case management conference, the parties must either file written consent to the jurisdiction of the magistrate judge, or request reassignment to a district judge, no later than 7 days after the motion is filed.